

APPEAL NO. 020482
FILED APRIL 18, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on February 8, 2002. The hearing officer resolved the sole disputed issue by deciding that the appellant (claimant) was not entitled to supplemental income benefits (SIBs) for the third compensable quarter. The claimant appealed, presumably on sufficiency grounds, and the respondent (carrier) responded, urging that we affirm the hearing officer's decision and order in its entirety.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant was not entitled to SIBs for the third quarter. The claimant proceeded on two theories at the CCH: that he had a total inability to work, or that he had made a good faith effort to obtain employment commensurate with his ability. Initially, the hearing officer resolved that the claimant did have some ability to work, consistent with some of the medical records entered into evidence, as well as with the order [denying disability benefits] from the Social Security Administration. Secondly, the hearing officer decided that while the claimant documented a job search for every week of the qualifying period, the claimant did not attempt in good faith to obtain employment commensurate with his ability. The parties presented disparate evidence regarding this issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). Upon review of the record, we conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the carrier is **NORTHERN INSURANCE COMPANY OF NEW YORK** and the name and address of its registered agent for service of process is

**GEORGE MICHAEL JONES
9330 LBJ FREEWAY, SUITE 1200
DALLAS, TEXAS 75243.**

Terri Kay Oliver
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Michael B. McShane
Appeals Judge